

REMARKS

Claims 1, 3 8-10, 14, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-211005 in view of French et al. (U.S. Patent 5,774,956). Reconsideration is requested.

Claim 1 recites "a front panel having an aperture therein completely surrounded by said front panel".

Claims 3 and 10 are dependent upon claim 1 and effectively incorporate the same recitation.

Claim 9 is dependent upon claim 8 and therefore also incorporates the same recitation.

Claim 14 recites, "said female part having a front face including an aperture therein completely surrounded by said front face" The claim further recites "manually operable means normally positioned in said aperture for disengaging said prong release preventing means".

Claim 15 recites,

" . . . said female part including . . . a front face including an aperture completely surrounded by said front face" and "a button integrally formed with said cantilevered tongue and normally positioned in said aperture for disengaging said prong-engaging member from said prongs."

It is clear, therefore, that the above-quoted recitation in claim 1 is incorporated into claims 3, 8, 9, and 10. Similar recitations appear in claims 14 and 15. These recitations all set forth the difference recognized by the Examiner (page 3, lines 13-15 of the Office Action dated May 19, 2003) wherein it was noted that Japanese Patent JP

10-211005 shows a U-shaped aperture 54 not completely surrounded by the front panel.

It was further stated by the Examiner that the patent to French et al.

"... teaches buckle structure with a male part 12 having two resilient prongs 26, 28 having engaging bodies 30, 32 receivable in edge recesses 64, 66 of the female part 14 and a central cantilevered resilient member 34 having a manually controlled button 36 receivable in an aperture 48 that is completely surrounded by the front panel 46 thereby providing easier manipulation by touch."

It was, therefore, considered by the Examiner obvious to modify the buckle of JP 10-211005 so that the aperture receiving the control button of the central cantilevered resilient member is completely surrounded by the front panel in view of French et al.

To have a proper combination of references, "there must be some reason, suggestion or motivation in the prior art or elsewhere that would have led one of ordinary skill to combine references" (Ruiz v. A. B. Chance Co., 57 USPQ 2d, 1161). Absent applicant's teaching, there appears to be no reason why the artisan, having the cited references available, would choose to modify the Japanese buckle design as suggested.

It is noted that in the specification of French et al. (Col. 2., lines 37-40), it is stated,

"the third latch push button and the associated latch receptacle are of a minimum size consistent with easy operation in order to reduce likelihood of undesired release".

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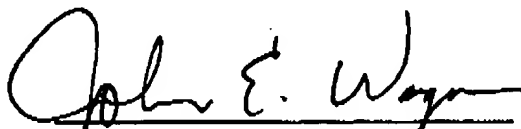
The provision of a relatively small cylindrical push button 36 to fit a latch receptacle 48 would appear to create possibilities of misalignment and binding between the parts.

Alternatively, the structure, whereby push button 36 must slide into female part 14 in exact alignment with aperture 48, appears to create a requirement for maintaining tolerances considerably beyond that normally expected in a relatively inexpensive product, such as applicant's buckle. Thus, there is no suggestion in either JP 10-211005 or French et al. to make such change plus a serious question whether one having the structure of JP 10-211005 would ever want to adopt the push button arrangement of French et al. In short, there would seem to be no motivation or reason to adopt the suggested combination, and therefore the cited combination of references is believed to be unsound under the standards of 35 USC 103 and the Court of Appeals for the Federal Circuit as set forth in Riuz v. A.B. Chance Co. Supra.

It is, therefore, requested that the rejections of claims 1, 3, 8-10, 14, and 15 be withdrawn.

It is believed that claims 1, 3, 8-10, 14, and 15 are in condition for allowance and favorable action passing this application to issue is requested.

Respectfully submitted,



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